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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,725	03/30/2001	David Art Mann	K35A0785	5978

35219 7590 05/15/2007
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LAKE FOREST, CA 92630

EXAMINER

WINDER, PATRICE L

ART UNIT	PAPER NUMBER
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2145

MAIL DATE	DELIVERY MODE
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05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/823,725

Applicant(s)

MANN, DAVID ART

Examiner

Patrice Winder

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,11,12 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,11-12,17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al., USPN 6,816,964 B1 (hereafter referred to as Suzuki) in view of Karson et al., USPN 6,971,067 B1 (hereafter referred to as Karson).

3. Regarding claim 1, Suzuki taught a method of receiving data at a client computer and performing an operation on the data received at the client computer (abstract), the method comprising:

a. receiving a key file at the client computer, the key file comprising a rule identifying the operation to be performed on the data received at the client computer (column 9, lines 31-38);

b. receiving the data at the client computer (column 7, lines 10-17; column 8, lines 28-37);

c. performing the operation identified by the rule in the key file on the data received at the client computer (column 8, lines 25-37), wherein the data is an executable file (column 9, lines 1-7); and

the operation comprises storing the executable file in the client computer (column 9, lines 1-7). Suzuki does not specifically teach storing in a startup folder. However, Karson taught storing in a startup folder and any files in a startup folder of a respective one client computer of the at least one client computer are run when the respective client computer starts up (column 6, lines 52-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Karson's adding applications to the startup folder in Suzuki's system for remote installation of application would have an equivalent mechanism to launch the installed application. The motivation would have been to minimize user intervention after rebooting.

4. Regarding dependent claim 11, Suzuki taught running the executable file occurs a plurality of times upon subsequent boot-ups of the client computer (column 8, lines 54-67).

5. The language of claim 17 is substantially the same as previously rejected claim 1. Therefore, claim 17 is rejected on the same rationale as previously rejected claim 1, above.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Karson, as applied to claim 1, further in view of Cantos et al., USPN 6,529,784 B1 (hereafter referred to as Cantos).

7. Regarding dependent claim 12, Suzuki-Karson does not specifically teach displaying a message on receipt of the executable file. However, Cantos taught a method receiving data further comprising displaying a message at the client computer on receipt of the executable file (column 8, lines 24-58). It would have been obvious to

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one of ordinary skill in the art at the time the invention was made that incorporating Cantos' displaying a message in Suzuki-Karson's system for remote installation of applications would have improved system communication. The motivation would have been to provide alert messages that are relevant to the user.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 11-12 and 17 have been considered but are moot in view of the new ground(s) of rejection.

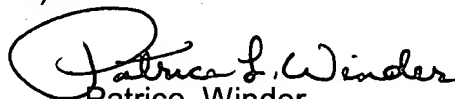
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patrice Winder
Primary Examiner
Art Unit 2145

May 2, 2007